

REMARKS/ARGUMENTS

The above-identified patent application has been reviewed in light of the Examiner's Action dated August 23, 2007. No Claims have been amended. Claims 10 and 11 have been canceled, without intending to abandon or to dedicate to the public any patentable subject matter. Accordingly, Claims 1, 3-7, 12-15, 17-19 and 21-31 are now pending. As set forth herein, reconsideration and withdrawal of the rejections of the claims are respectfully requested.

Claims 10, 11 and 28 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In the amendments set forth above, Claims 10 and 11 have been canceled. Therefore, the rejections of Claims 10 and 11 as indefinite are now moot. With respect to Claim 28, the Examiner appears to pose a rejection on the grounds that an included element is in improper means plus function format. In particular, the Examiner's remarks are understood to object to the recitation of a "first communication client means" on the grounds that this element is not associated with the phrase "means for." However, Applicant notes that Claim 28 specifies that the "first communication client means" is a communication endpoint. Therefore, the equivalent of the element is explicit in the claim. Accordingly, Claim 28 is not indefinite, and the rejection of that claim under 35 U.S.C. §112, second paragraph, should be reconsidered and withdrawn.

Claims 1-31 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,925,076 to Dalgic in view of U.S. Patent No. 6,317,596 to Elwin ("Elwin"). In order to establish a *prima facie* case of obviousness under §103, there must be some suggestion or motivation to modify the reference or to combine the reference teachings, there must be a reasonable expectation of success and the prior art reference or references must teach or suggest all the claim limitations. (MPEP §2134.) However, all of the claim elements cannot be found in the cited references, whether those references are considered alone or combination. In particular, the references cited in rejecting the claims do not disclose providing call state information to a first client for storage on the first client as generally required by the pending claims. Therefore, reconsideration and withdrawal of the rejections of the claims as obvious in view of the cited references are respectfully requested.

The present invention is generally directed to facilitating migration of a call to an alternate call controller in the event of a network or device failure. More particularly, call state

information that is required to maintain communication features in the event of a network or device failure is stored on a communication endpoint participating in the call. Accordingly, call state information can be provided to an alternate call controller by one of the endpoints to the call, and such information does not need to be replicated to redundant databases or alternate call controllers prior to a failure.

The Dalgic reference is directed to providing a virtual distributed gatekeeper in an H.323 system. Dalgic does not teach, suggest or describe the concept of storing call information on a communication endpoint. Instead, Dalgic discusses storing call state information on edge routers, and querying the edge routers for port status information in order to incrementally build a port status table in the event of a gate controller failure. The failure of Dalgic to disclose providing a first file to a first client and storing the first file on the first client is acknowledged in the final Office Action. (Office Action dated August 23, 2007, page 3, third paragraph.)

The Elwin reference is cited by the Office Action with respect to storing call state information in a communication endpoint. However, as will be explained herein, the Elwin reference does not teach, suggest or describe a first call controller that provides call state information to a communication endpoint for storage in the communication endpoint as generally claimed. Specifically, the Elwin reference is directed to a system for detecting and reporting errors in a wireless communication network. According to Elwin, a subscriber terminal, which Elwin describes as a cellular telephone or pager, itself monitors some aspect of communication link conditions while active on a call. Accordingly, the subscriber terminal includes a call state information detection mechanism. Therefore, Elwin does not teach, suggest or describe a call controller that provides call state information to a communication endpoint for storage. Moreover, the Elwin system is directed to reporting link status information experienced at a subscriber terminal immediately preceding the failure of the link for network diagnostic purposes. Accordingly, there is no teaching, suggestion or disclosure for providing call state information from a call controller to a communication endpoint as claimed.

As discussed herein, neither the Dalgic nor the Elwin reference teaches, suggests or describes each and every element of the claims, whether those references are considered alone or in combination. Accordingly, the rejections of Claims 1-31 as obvious should be reconsidered

and withdrawn.

More particularly, at least the following elements of the independent claims, indicated by italicized text, cannot be found in the cited references:

1. A method for maintaining call state information, comprising:  
*generating in a first call controller first call state information;*  
*creating at least a first file containing a representation of at least some of said generated first call state information;*  
*providing said at least a first file to a first client; and*  
*storing said at least a first file on said first client, wherein said first client is a communication endpoint participating in a call to which said first call state information pertains.*

12. A system for providing redundant call state information, comprising:  
a first communication endpoint, including first data storage;  
a first call controller in communication with said first communication endpoint, wherein *call state information is provided by said first call controller to said first communication endpoint, and wherein said call state information for a call between said first communication endpoint and another device is stored in at least said first data storage of said first communication endpoint.*

19. A method for providing redundant signaling information, comprising:  
*generating in a first call controller first call state information;*  
*providing said first call state information to a first communication endpoint; and*  
*storing said first call state information on said first communication endpoint.*

28. A system for providing redundant signaling information, comprising:  
first means for controlling features associated with a communication channel;  
*first communication client means, wherein said first communication client means is a*

*communication endpoint;*

means for interconnecting said first means for controlling to said first communication client means; and

*means for storing in said first communication client communication channel state information related to a first communication channel, wherein first channel state information is stored in said means for storing.*

Applicant notes that the amendments to the claims consist of the cancellation of Claims 10 and 11. Accordingly, should the Examiner continue to reject pending claims, it is submitted that the amendment to cancel Claims 10 and 11 should be entered for purposes of appeal.

The application now appearing to be in form for allowance, early notification of same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would expedite the resolution of this case.

Respectfully submitted,

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